

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re)	No. C 14-4485 JSW (PR)
)	
FLEMING SMITH,)	ORDER OF DISMISSAL
)	
Plaintiff.)	
)	


On October 7, 2014, Plaintiff, a California prisoner, wrote a letter to the Honorable Thelton Henderson complaining about the conditions of his incarceration. On the same day, the Clerk notified Plaintiff that he had not filed a complaint or a habeas petition. The Clerk also notified him that day that he had neither paid the filing fee nor filed a completed application to proceed in forma pauperis (“IFP”). Along with these deficiency notices, the Clerk mailed to Plaintiff the Court’s complaint and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notices, Plaintiff was informed that the case would be dismissed if he did not file a complaint and either pay the filing fee or file a completed IFP application within 28 days. Plaintiff has filed neither a complaint, an IFP application, a request for more time, or an explanation for his failure to do so. He has simply written more letters complaining about the conditions of his confinement. Accordingly, this case is DISMISSED without prejudice. If Plaintiff wants to pursue his claims in federal court, he must do so in a complaint or

1 habeas petition filed in a new case.

2 The Clerk shall enter judgment and close the file.

3 IT IS SO ORDERED.

4 DATED: December 17, 2014

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JEFFREY S. WHITE
United States District Judge